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Recreational Data Services, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

RECREATIONAL DATA SERVICES, LLC,
an Alaska Limited Liability Company,

Plaintiff,

v.

TRIMBLE NAVIGATION LIMITED, a
California corporation, CABELA'S
INCORPORATED, a Delaware corporation,
AT&T MOBILITY, LLC., a Delaware
corporation, and ALASCOM, INC., an Alaska
corporation ,

Defendants.

Case No. 3:11-CV-00195- TMB

**MOTION REQUESTING LEAVE OF THE COURT
TO FILE A PROPOSED AMENDED COMPLAINT**

Recreational Data Services, LLC ("RDS"), requests leave from this Court to file a proposed amended complaint. Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure "a party may amend its pleading only with the opposing party's written consent

or the Court's leave."¹ That rule goes further to state that "[t]he Court should freely give leave when justice so requires."² When addressing whether leave should be granted the Court "must remain guided by 'the underlying purpose of Rule 15 . . . to facilitate decision on the merits, rather than on the pleadings or technicalities.'"³

Plaintiff is requesting leave to amend its complaint in order to supplement the original complaint with information developed since filing that complaint in order to have RDS's claims decided on the merits. The amendments and accompanying attachments, to the original complaint are quite extensive and should replace the original complaint in its entirety. RDS is merely attempting to incorporate evidence not generally available at the time of filing the original complaint.

Due to the importance of the relief sought by the Plaintiff, seriousness of the claims against the defendants, and the fact that discovery has not yet commenced for this matter, it is in the interest of justice that the Court grant leave as requested.

DATED this 11th day of January, 2012.

FRONTIER LAW GROUP LLC

By: /s/Christopher D. Cyphers
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Services, Inc.

¹ Fed. R. Civ. P. 15(a)(2)

² See *id.*

³ *Lopez v. Smith*, 203 F.3d 1122, 1128 (Court of Appeals, 9th Cir. 2000) (Citing *Noll v. Carlson*, 809 F.2d 1446, 1448 (Court of Appeals 9th Cir. 1987))

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2012, a true and correct copy of the foregoing Motion Requesting Leave of the Court to File an Amended Complaint was served electronically on the following:

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